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#election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **NAKAMURA, Yasushige et al.**

Group Art Unit: 1756

Serial No.: 09/987,464

Examiner: **RODEE**

Filed: **November 14, 2001**

P.T.O. Confirmation No.: 6989

For: **ELECTROPHOTOGRAPHIC TONER AND IMAGE FORMING METHOD**

RESPONSE TO THE RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Date: February 3, 2003

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Sir:

This paper is submitted in response to the Official Action dated **January 3, 2003**.

In the Action, restriction is required between Group (I), Claims 1-5 and 10-18; and Group (II), Claims 6-9 and 19-22.

Applicants hereby ~~elect~~ the subject matter of Group (I), Claims 1-5 and 10-18 for prosecution in this application. This election is made with traverse.

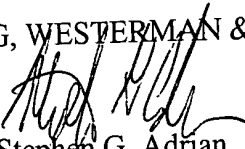
It is respectfully submitted that the claimed subject matter is sufficiently related such that the search and examination of one group of claims would necessarily include the search and examination of the other group of claims. See MPEP §803 in which it is stated that "[i]f the search and examination of an entire application can be made without serious burden the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully requested that this policy be applied to avoid duplicative examination and undue expense to applicants.

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

In the event any additional fees are required in connection with this response, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

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